

ensure that the activity is consistent with the purposes of federal deposit insurance.

(g) *Conditions and restrictions applicable to insured state banks and/or their subsidiaries that engage in insurance underwriting activities excepted under §362.3(b)(7) or §362.4(c)(2)(i).* (1) No insured state bank may directly or indirectly through a subsidiary underwrite insurance pursuant to the exception contained in §362.3(b)(7) or §362.4(c)(2)(i) unless the following conditions and restrictions are met:

(i) Any insurance underwriting directly conducted by the bank must be done through a division of the bank that meets the definition of "department" contained in §362.2(h);

(ii) Any subsidiary that underwrites insurance must meet the definition of a "bona fide subsidiary" contained in §362.2(d); and

(iii) The disclosure requirements of §362.3(b)(3) and/or §362.4(c)(1)(iii) are met to the same extent as they would be applicable if the bank and/or its subsidiary were conducting savings bank life insurance activities.

(2) Any insured state bank or a subsidiary of an insured state bank that would be eligible for the exception in §362.3(b)(7) or §362.4(c)(2) but for the requirements of paragraphs (g)(1)(i) or (g)(1)(ii) of this section may continue to conduct the insurance underwriting activities provided that the requirements of paragraph (g)(1)(iii) of this section are met and provided that the requirements of paragraphs (g)(1)(i) and (g)(1)(ii) of this section are met no later than one year from December 8, 1993.

[58 FR 64484, Dec. 8, 1993]

§362.5 Notification of exempt insurance activities.

Any insured state bank that was lawfully underwriting insurance in a state on November 21, 1991, and any insured state bank that has a subsidiary that was lawfully underwriting insurance in a state on November 21, 1991, shall submit a notice to the regional director for the Division of Supervision for the region in which the bank's principal office is located not later than 60 days from December 9, 1992, if those insurance underwriting activities would not

be permissible for a national bank or a subsidiary of a national bank. The notice requirement does not apply in the case of an insured state bank described in §362.3(b)(7)(ii). The notice shall contain the following information:

(a) The name of the bank and/or subsidiary;

(b) The state or states in which the bank and/or its subsidiary was underwriting insurance on November 21, 1991;

(c) A recitation of the authority for the bank or subsidiary to conduct insurance underwriting activities;

(d) A list of the types of insurance that the bank and/or subsidiary provided to the public as of November 21, 1991 in the state(s) identified in paragraph (b) of this section. For purposes of this list, various lines of insurance are considered to be distinct types of insurance.

[57 FR 53234, Nov. 9, 1992. Redesignated at 58 FR 64483, Dec. 8, 1993]

§362.6 Delegation of authority.

The authority to review and act upon divestiture plans submitted pursuant to §362.3(c)(2); the authority to approve or deny notices filed pursuant to §362.3(d); the authority to approve or deny applications pursuant to §362.3(b)(7)(ii); and the authority to approve or deny requests for consent pursuant to §362.4(d) as well as to take any other action authorized by §362.4(d) is delegated to the Director of the Division of Supervision or the Director's designee.

[60 FR 31384, June 15, 1995]

PART 363—ANNUAL INDEPENDENT AUDITS AND REPORTING REQUIREMENTS

Sec.

363.0 OMB control number.

363.1 Scope.

363.2 Annual reporting requirements.

363.3 Independent public accountant.

363.4 Filing and notice requirements.

363.5 Audit committees.

APPENDIX A TO PART 363—GUIDELINES AND INTERPRETATIONS

AUTHORITY: 12 U.S.C. 1831m.

SOURCE: 58 FR 31335, June 2, 1993, unless otherwise noted.